

EXHIBIT 1



U.S. Department of Justice

United States Attorney
District of Hawaii

PJJK Federal Building
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Honolulu, Hawaii 96850

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May 12, 2008

Daphne E. Barbee
1188 Bishop Street, Suite 1909
Honolulu, Hawaii 96813

Via Facsimile: 533-0275

Re: Ware v. Chertoff
Civil No. 04-00671 HG LEK

Dear Ms. Barbee:

I'm emailing to you the SF 50 forms reflecting the pay received by the three individuals promoted to screening manager in September 2003. In summary, the forms reflect the following rates of pay:

| | | |
|----------------|--------------------------|---------------------------------|
| <u>DuBoyce</u> | | |
| 06/02/03 | Appointment to ST30 | \$36,400 Base |
| 01/12/03 | Pay Adjustment | \$37,528 Base |
| 10/10/03 | Promotion to SM (H-Band) | \$44,400 Base (17.24% increase) |
| 01/11/04 | Pay Adjustment | \$45,821 Base (3.2% increase) |
| 01/09/05 | Pay Adjustment | \$47,196 Base (3% increase) |
| 07/10/05 | Promotion (I-Band) | \$54,100 Base (14.62% increase) |
| 09/25/05 | Resignation | |

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Abrante

| | | |
|----------|--------------------------|---------------------------|
| 09/29/02 | Appointment to STSO | \$46,400 |
| 01/12/03 | Pay Adjustment | \$47,838 |
| 10/19/03 | Promotion to SM (H-Band) | \$51,665 (8% increase) |
| 01/11/04 | Pay Adjustment | \$53,318 (3.19% increase) |
| 08/22/04 | Reassignment to ASI | |

Ventura

| | | |
|----------|--------------------------|----------------------------|
| 06/16/02 | Appointment to STSO | \$36,400 |
| 01/12/03 | Pay Adjustment | \$37,528 |
| 10/19/03 | Promotion to SM (H-Band) | \$44,400 (17.24% increase) |
| 01/11/04 | Pay Adjustment | \$45,821 (3.2% increase) |
| 01/09/05 | Pay Adjustment | \$47,196 (3% increase) |
| 01/08/06 | Pay Adjustment | \$48,187 (2.1% increase) |
| 01/07/07 | Pay Adjustment | \$49,006 (1.7% increase) |
| 01/06/08 | Pay Adjustment | \$50,231 (2.5% increase) |
| 01/20/08 | Pay Adjustment | \$51,211 (1.95% increase) |

The above figures indicate that the rate of pay proposed in my May 5, 2008 settlement proposal is a very reasonable one. The last personnel action in which all three employees were employed as screening managers was January 11, 2004. On that date Mr. DuBoyce and Mr. Ventura both received \$45,821; Mr. Abrante received \$53,318; the average of the three was \$48,320. My last letter proposed a \$50,855 figure for Mr. Ware, which is higher than this average. After January 11, 2004, Mr. Abrante took another position; Mr. DuBoyce received the same increase as all other government employees plus a raise to I-Band; Mr. Ventura received only the government-wide increases. My settlement proposal reflects the government-wide increases for Mr. Ware. I would note that our proposal would give Mr. Ware a salary that is over \$5600 more than Mr. Ventura currently receives.

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On the promotion to I-Band, as of now only four of the current twelve screening managers are in that band.

Significantly, however, my May 5 proposal contained a arithmetic error, in that it omitted one year of compensation. The correct figure, including pay up through the end of May, is about \$310,000, including 25% COLA; subtracting the amounts Mr. Ware actually received in compensation from other employers produces a total back pay of \$290,000.

Very truly yours,

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

By 

THOMAS A. HELPER
Assistant U.S. Attorney

TAH:cts
Enclosure

cc: Magistrate Judge Kobayashi
Jeff Velasco, TSA